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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,566	-12/22/1999	KENDYL A. ROMAN		6309

36664 7590 07/14/2004

KENDYL A ROMAN
730 BARTEY COURT
SUNNYVALE, CA 94087

EXAMINER

SENI, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/14/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/470,566

Applicant(s)

ROMAN ET AL.

Examiner

Behrooz Senfi

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 22.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. While Applicant has provided a declaration claiming priority benefits to US application "09/312,922", the current declaration does not state that the "amendatory materials consists of the same material incorporated by reference". Therefore, the response is still incomplete. Furthermore, based on the divergent nature of the claims 21 – 24 to other pending claims an election by original presentation should be made.

Response to remarks

2. Applicant asserts (paper no. 18, pages 31 - 32, No. 14) that Hoffert '853 fails to teach "selecting a code based on a number of bits from each pixel selected from the pixels", in Hoffert '853 the two bit code indicates a type of encoding which is different than the code that represents the illumination intensity (or pixel value) of the pixel.

Examiner respectfully disagrees.

Hoffert '853 teaches (i.e. col. 6, lines 25 – 55) selecting type of encoding based on luminance associated with each pixel with respect to mean pixel value, which meets the limitation as claimed. Furthermore, the claimed language (as set forth in claim 1) is silent regarding "illumination intensity" as applicant argues.

Claim Rejections - 35 USC § 112

3. Claims 21 – 24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Furthermore, applicants submit (paper no. 9, page 17, section E) that new claims 21 – 24 are the same as claims 28 – 31. However, there are no claims 28 – 31 in this application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert et al. (US 5,047,853) in view of Brusewitz et al. (US 6,384,862).

Regarding claims 1 and 15, Hoffert '853 discloses compression and decompression of Digital video data (i.e. fig. 1, col. 1, lines 15+), selecting a code based on a number of bits from each pixel selected from pixels (i.e. fig. 2), run-length encoding repeated instances (i.e. fig. 10, 107), repeating steps until each pixel is encoded in an encoded data buffer (i.e. col. 12, lines 1+) and as for repeating steps, the digital video compression process (disclosed by Hoffert '853) is an iterative process of pixels, which meets the claimed limitations of repeating steps (b) and (c), and for streaming buffer is an inherent feature necessitated by the digital video processing for storing the digital video and transmitting.

Although, Hoffert '853 fails to explicitly teach Sub-sampling pixels from an image.

However, the above mention claimed limitations are well known in the art as evidenced by Brusewitz '862, in particular (i.e. fig. 1, sub-sampler 20, col. 1, lines 41+) teaches sub-sampling image.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hoffert '853 as taught by Brusewitz '862 for customizing the images to the viewer's specifications (i.e. col. 1, lines 10+).

Regarding claims 2 - 3, combination teaching of Hoffert '853 and Brusewitz '862 Teaches setting and assigning temporal resolution rate of e.g. $1/30^{\text{th}}$ of second (i.e. col. 6, lines 33+ of Hoffert '853), therefore it would have been obvious to reduce or increase the sub-sampling rate base on desired design, and as for image dimension, since the image dimension is related to sub-sampling rate, therefore it would have been obvious to assign a rate base on desired image dimension.

Regarding claims 4 and 5, combination of Hoffert '853 and Brusewitz '862 teaches number of bits is five (i.e. fig. 1 of Hoffert '853).

Regarding claims 6 and 7, combination of Hoffert '853 and Brusewitz '862 teaches series of buffer (i.e. fig. 1, 22 and 30 of fig. 1 of Brusewitz '862) and storage (i.e. fig. 1, storage 34).

Regarding claim 8, claim 8 is the decompression part of claim 1, and combination of Hoffert '853 and Brusewitz '862 teaches decompression (i.e. col. 2, lines 57+ of Hoffert '853), combining (i.e. fig. 15, Mux 149).

Regarding claims 9 - 10, the limitations claimed are substantially similar to claims 2 - 3, therefore the grounds for rejecting claims 2 - 3 also apply here.

Regarding claims 11 - 12 and 20, the limitations claimed are substantially similar to claims 4 - 5, therefore the grounds for rejecting claims 4 - 5 also apply here.

Regarding claims 13 - 14 and 16, fig. 3, code tables 19, 23, 25, 29 and 33, and also fig. 2, are equivalent to encryption table only if the end user has the table.

Regarding claim 17 and 18, Note, having a storage medium or/and communications transmission channel, as input/output device would have been obvious and well known in the prior art of record.

Regarding claim 19, the limitations claimed are substantially similar to claims 8 and 15, therefore the grounds for rejecting claims 8 and 15 also apply here.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:


(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

7/6/2004


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600